



## Broadcasting Public Notice CRTC 2006-40

Ottawa, 31 March 2006

### Call for comments on a proposed exemption order respecting certain network operations

*The Commission calls for comments on a proposed order that would exempt from regulation network undertakings that provide programming that originates from licensed radio or television stations for simultaneous broadcast by one or more licensed or exempted radio stations.*

*The proposed exemption order is set out in the appendix to this notice. The deadline for the filing of comments by interested parties is **1 May 2006**.*

### The Commission's policy on exemption orders

1. Section 9(4) of the *Broadcasting Act* (the Act) states:

The Commission shall, by order, on such terms and conditions as it deems appropriate, exempt persons who carry on broadcasting undertakings of any class specified in the order from any or all requirements of this Part or of a regulation made under this Part where the Commission is satisfied that compliance with those requirements will not contribute in a material manner to the implementation of the broadcasting policy set out in subsection 3(1).

2. In *Policy regarding the use of exemption orders*, Public Notice CRTC 1996-59, 26 April 1996, the Commission stated that it would exempt persons carrying on classes of broadcasting undertakings only where the following two criteria are met:

(i) it is evident to the Commission that the licensing and the regulation of the class of undertaking will not result in a significantly greater contribution to the Canadian broadcasting system, whether with respect to the Canadian programming carried by the undertakings of that class, or the expenditures on Canadian programming made by such undertakings; and,

(ii) it is evident to the Commission that undertakings operating under the exemption order will not have an undue impact on the ability of licensed undertakings to fulfil their regulatory requirements.

## **Network operations**

3. The Act provides that a broadcasting undertaking includes a distribution undertaking, a programming undertaking and a network. A network is defined as including:

any operation where control over all or any part of the programs or program schedules of one or more broadcasting undertakings is delegated to another undertaking or person.
4. The Act also defines a temporary network operation as “a network operation with respect to a particular program or a series of programs that extends over a period not exceeding sixty days.”

### **Current exemption orders applicable to network operations**

5. There are currently two exemption orders for network undertakings. One is for radio and television temporary network (type 1)<sup>1</sup> undertakings that provide special event programs covering unexpected, non-recurring events such as special concerts and commemorative programs, or public emergencies such as natural disasters and major accidents. The other is for cable temporary network (type 2)<sup>2</sup> undertakings that provide programs covering not-for-profit or charitable events such as the Special Olympics or telethons raising money for certain charities. Such types of undertakings are exempted from the requirement to obtain licences to carry on temporary network operations under specific terms and conditions.

### **Proposed exemption order applicable to other types of network operations**

6. Radio networks form the majority of the network operations currently licensed by the Commission. Radio networks provide a wide variety of programming, including: coverage of sports events or other specific programs originating from licensed radio stations; Canadian television programs whose audio portion is simulcast on radio stations; and native radio programs shared by other stations in the same region. A person wishing to carry on a network operation is required to file an application either for a temporary network licence in the case of a single program or a series of programs extending for a period of less than sixty days, or for a network licence in all other cases. In many cases, the network licensee is also the licensee of the radio or television station from which the network’s programming originates.
7. The Commission proposes to exempt from licensing requirements each network undertaking whose operator is also the licensee of the radio or television station from which the network programming originates, and where the programming is for simultaneous broadcast by one or more licensed or exempted radio stations. The

---

<sup>1</sup> *Exemption order respecting radio and television temporary network special event type 1 undertakings*, Public Notice CRTC 1993-48, 30 April 1993.

<sup>2</sup> *Exemption order respecting cable temporary network special event type 2 undertakings*, Public Notice CRTC 1993-49, 30 April 1993.

proposed exemption order and the exemption criteria are set out in the appendix to this public notice. The exemption order would not apply to the network operations involving the Canadian Broadcasting Corporation.

### **Call for comments**

8. The Commission invites written comments on the proposed exemption order. The Commission will accept comments that it receives on or before **1 May 2006**.
9. The Commission will not formally acknowledge written comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

### **Procedures for filing comments**

10. Interested parties can file their comments to the Secretary General of the Commission:
  - **by using the**  
Broadcasting Intervention/Comments Form
  - OR
  - **by mail to**  
CRTC, Ottawa, Ontario K1A 0N2
  - OR
  - **by fax at**  
(819) 994-0218

11. Submissions longer than five pages should include a summary.
12. Please number each paragraph of your submission. In addition, please enter the line \*\*\*End of document\*\*\* following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

### **Important notice**

13. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's web site at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

14. Documents received electronically or otherwise will be put on the Commission's web site in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
15. The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
16. The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

**Examination of public comments and related documents at the following Commission offices during normal business hours**

Central Building  
Les Terrasses de la Chaudière  
1 Promenade du Portage, Room 206  
Gatineau, Quebec K1A 0N2  
Tel: (819) 997-2429 - TDD: 994-0423  
Fax: (819) 994-0218

Metropolitan Place  
99 Wyse Road  
Suite 1410  
Dartmouth, Nova Scotia B3A 4S5  
Tel: (902) 426-7997 - TDD: 426-6997  
Fax: (902) 426-2721

205 Viger Avenue West  
Suite 504  
Montréal, Quebec H2Z 1G2  
Tel: (514) 283-6607

55 St. Clair Avenue East  
Suite 624  
Toronto, Ontario M4T 1M2  
Tel: (416) 952-9096

Kensington Building  
275 Portage Avenue  
Suite 1810  
Winnipeg, Manitoba R3B 2B3  
Tel: (204) 983-6306 - TDD: 983-8274  
Fax: (204) 983-6317

Cornwall Professional Building  
2125 - 11<sup>th</sup> Avenue  
Room 103  
Regina, Saskatchewan S4P 3X3  
Tel: (306) 780-3422

10405 Jasper Avenue  
Suite 520  
Edmonton, Alberta T5J 3N4  
Tel: (780) 495-3224

530-580 Hornby Street  
Vancouver, British Columbia V6C 3B6  
Tel: (604) 666-2111 - TDD: 666-0778  
Fax: (604) 666-8322

Secretary General

*This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*

## **Appendix to Broadcasting Public Notice CRTC 2006-40**

### **Exemption order respecting certain network operations**

The Commission, pursuant to section 9(4) of the *Broadcasting Act* (the Act), by this order, exempts from the requirements of Part II of the Act and any regulations made thereunder, those persons carrying on broadcasting undertakings of the class defined by the following criteria:

#### **Purpose**

The purpose of these network undertakings is to provide programming that originates from a licensed radio or television station for simultaneous broadcast by one or more licensed or exempted radio stations.

#### **Description**

1. The Commission would not be prohibited from licensing the undertaking by virtue of any direction to the Commission by the Governor in Council.
2. The undertaking meets all technical requirements of the Department of Industry and has acquired all authorizations or certificates prescribed by the Department.
3. The undertaking does not involve any station operated by the Canadian Broadcasting Corporation.
4. The programming provided by the undertaking originates from a licensed radio or television station.
5. The operator of the undertaking is also the licensee of the originating radio or television station.
6. The undertaking provides programming in Canada only to licensed or exempted radio stations.
7. All stations involved in the undertaking broadcast the programming simultaneously.